

## **SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING**

### **PART 405—PUBLICIZING CONTRACT ACTIONS**

#### **Subpart 405.3—Synopsis of Contract Awards**

Sec.

405.303 Announcement of contract awards.

#### **Subpart 405.4—Release of Information**

405.403 Requests from Members of Congress.

405.404 Release of long-range acquisition estimates.

405.404-1 Release procedures.

#### **Subpart 405.5—Paid Advertisements**

405.502 Authority.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

#### **Subpart 405.3—Synopsis of Contract Awards**

##### **405.303 Announcement of contract awards.**

Contracting officers shall make information available on any contract award with an estimated total value over \$1 million (including options) to their agency congressional liaison office in sufficient time for the agency to announce it by 5:00 p.m. Washington, DC time on the day of award. The agency congressional liaison office shall, concurrent with the public announcement, provide the award announcement information to the USDA Congressional Relations Office.

#### **Subpart 405.4—Release of Information**

##### **405.403 Requests from Members of Congress.**

The head of the contracting activity (HCA) is the agency head designee pursuant to FAR 5.403.

[61 FR 53646, Oct. 15, 1996, as amended at 70 FR 45, Jan. 3, 2005]

##### **405.404 Release of long-range acquisition estimates.**

##### **405.404-1 Release procedures.**

(a) HCA's shall establish written procedures to control the release of long-range acquisition estimates, as authorized under FAR 5.404-1.

(b) Classified information shall not be released without the approval of the Information Security Staff, Personnel and Document Security Division, Office of Procurement and Property Management. Departmental Manuals and Regulations (3400 series) contain guidance on classified information.

[61 FR 53646, Oct. 15, 1996, as amended at 70 FR 45, Jan. 3, 2005]

#### **Subpart 405.5—Paid Advertisements**

##### **405.502 Authority.**

(a) The authority vested in the agency head to authorize publication of paid advertisements in newspapers (44 U.S.C. 3702) is delegated, with power of redelegation, to HCA's. HCA redelegation of this authority shall be in writing.

(b) Policies and procedures regarding prior authorization required for media other than newspapers are contained in USDA Departmental Regulations 1400 series.

## **PART 406—COMPETITION REQUIREMENTS**

#### **Subpart 406.2—Full and Open Competition After Exclusion of Sources**

Sec.

406.202 Establishing or maintaining alternative sources.

#### **Subpart 406.3—Other Than Full and Open Competition**

406.302 Circumstances permitting other than full and open competition.

406.302-70 Otherwise authorized by law.

#### **Subpart 406.5—Competition Advocates**

406.501 Requirements.

## Department of Agriculture

AUTHORITY: 5 U.S.C. and 40 U.S.C. 486(c).

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

### Subpart 406.2—Full and Open Competition After Exclusion of Sources

#### 406.202 Establishing or maintaining alternative sources.

The Senior Procurement Executive is authorized to make determinations pursuant to FAR 6.202(a) and sign the determination and findings required by FAR 6.202(b).

### Subpart 406.3—Other Than Full and Open Competition

#### 406.302 Circumstances permitting other than full and open competition.

#### 406.302-70 Otherwise authorized by law.

(a) *Authority.* Section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318) (the Act) authorizes the Secretary of Agriculture to award contracts, without competition, to further research, extension, or teaching programs in the food and agricultural sciences.

(b) *Limitations.* The use of this authority is limited to those instances where it can be determined that contracting without full and open competition is in the best interest of the Government and necessary to the accomplishment of the research, extension, or teaching program. Therefore:

(1) Contracts under the authority of the Act shall be awarded on a competitive basis to the maximum practicable extent.

(2) When full and open competition is not deemed appropriate, the contracting officer shall make a written justification on a case-by-case basis in accordance with procedures in FAR 6.303 and 6.304.

407.503

### Subpart 406.5—Competition Advocates

#### 406.501 Requirements.

(a) The Chief, Procurement Policy Division, Office of Procurement and Property Management, has been designated as the Competition Advocate for USDA.

(b) Each HCA shall designate a competition advocate for the contracting activity. The HCA shall forward a copy of the designation memorandum to the Competition Advocate for USDA.

[70 FR 45, Jan. 3, 2005]

## PART 407—ACQUISITION PLANNING

### Subpart 407.1—Acquisition Plans

Sec.

407.103 Agency-head responsibilities.

407.170 Advance acquisition plans.

#### Subpart 407.3 [Reserved]

### Subpart 407.5—Inherently Governmental Functions

407.503 Policy.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C.

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

### Subpart 407.1—Acquisition Plans

#### 407.103 Agency-head responsibilities.

Heads of Contracting Activities (HCA's) shall develop procedures to comply with FAR 7.103.

#### 407.170 Advance acquisition plans.

Each HCA shall maintain an advance acquisition planning system.

[70 FR 45, Jan. 3, 2005]

#### Subpart 407.3 [Reserved]

### Subpart 407.5—Inherently Governmental Functions

#### 407.503 Policy.

(a) HCA's shall establish procedures to ensure that requesting activities